

## REMARKS/ARGUMENTS

Applicant respectfully requests reconsideration of the present application, withdrawal of the previously presented rejections, and formal notification of allowance of all pending claims in view of the preceding amendments and the following remarks.

### **I. Status of Claims**

This Amendment is in response to the Office Action mailed February 27, 2012. In that Office Action, Claims 1, 4, and 5 were rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Claims 1 and 5 were then rejected under 35 U.S.C. § 112, second paragraph, for being indefinite and failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Claims 1, 4, and 5 were then rejected under 35 U.S.C. § 103(a) as being rendered obvious by U.S. Patent No. 4,236,365 to Wheeler ("*Wheeler*") and U.S. Patent No. 3,171,872 to Jarret et al. ("*Jarret*").

For the Examiner's reference, Applicant has amended Claims 1 and 4-5, and has added new Claims 11-17. Accordingly, following this Amendment, Claims 1, 4-5, and 11-17 are pending in the present application, while Claims 2-3 and 6-10 have been previously withdrawn and/or canceled.

### **II. Rejections of Claims 1, 4, and 5 under 35 U.S.C. § 112**

Although Applicant does not necessarily agree with the rejection of Claims 1, 4, and 5 for failing to comply with the written description and for being indefinite for including the feature "the stranded part is provided with a plurality of fastener holes," Applicant has, for the purposes of facilitating continued examination, herein amended Claim 1 so as to remove this particular feature. Accordingly, Applicant respectfully submits that this particular rejection of Claim 1 and its dependent Claims 4 and 5 is now moot.

With regard to the rejection of Claim 5 for including the feature "substantially midway," which the Examiner asserts is not described in the specification, Applicant respectfully disagrees. In particular, Applicant highlights at least page 14, line 16 through page 15, line 26, which

describe various stranded parts (15), or “regions of relatively higher density” as found in Claim 5, as amended, with further reference to at least Figures 6 and 7. Figure 6 illustrates, amongst other features, five higher density regions (e.g., stranded parts 15), with one of those five being substantially midway between two opposing edges of the intermediate layer. Similarly, Figure 7 illustrates, amongst other features, nine higher density regions (e.g., stranded parts 15), with one of those nine being substantially midway between two opposing edges of the intermediate layer. Accordingly, Applicant respectfully asserts that the originally filed specification and figures sufficiently convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention and requests that the Examiner withdraw this particular rejection of Claim 5.

### **III. Rejection of Claim 1 in view of *Wheeler* and *Jarret***

The Office Action mailed February 27, 2012 rejected independent Claim 1 under 35 U.S.C. § 103(a) as being rendered obvious by *Wheeler* in view of *Jarret*. In this regard, Applicant respectfully disagrees.

In particular, Applicant respectfully asserts that independent Claim 1, as amended, is not rendered obvious by *Wheeler* and *Jarret* because the references fail to teach or suggest at least that “said one or more first regions and said one or more second regions continuously extend between said lower surface layer and said upper surface layer.” Indeed, *Wheeler* discloses only more densely compacted regions (32), (30) and less densely compacted regions (12), (36), and (38), none of which continuously extend between its outer skins (14), (16). In other words, in stark contrast with the presently claimed configuration, the various regions of *Wheeler* are interrupted by interior-disposed longitudinal stiles (18) and rails (20), and thus discontinuously formed between its outer skins (14), (16). Nothing in *Jarret*, which is relied upon in the Office Action for its finer fraction particles and plurality of fastener holes cures this particular deficiency of *Wheeler*.

Accordingly, for at least this reason, Applicant respectfully asserts that independent Claim 1, as amended, provides a patentable distinction over *Wheeler* and *Jarret*, and respectfully

requests that the Examiner withdraw the current rejection of this claim and issue a Notice of Allowance.

#### **IV. Rejections of Dependent Claims 4-5**

With respect to the various rejections of dependent Claims 4-5, the patentability of independent Claim 1 from which these claims depend has been argued as set forth above, and thus Applicant will not take this opportunity to argue the merits of the rejections with regard to the dependent claims. However, Applicant does not concede that these dependent claims are not independently patentable and reserve the right to argue the patentability of these claims at a later date, if necessary.

#### **V. New Claims 11-17**

Applicant has added herewith new Claims 11-17, which Applicant hereby asserts adds no new matter, but rather corresponds generally to subject matter described on at least pages 9 and 12, and illustrated in at least Figures 2, 5d, 6, and 7, of the originally filed application. Applicant further respectfully asserts that, for at least all of the reasons set forth above with respect to independent Claims 1 and 5, new Claims 11-17 are likewise sufficiently described in the specification and distinguishable over the cited references. Accordingly, Applicant respectfully requests that the Examiner issue a Notice of Allowance for this claim as well as for the remaining pending claims.

## **VI. Conclusion**

Based on the foregoing amendments and arguments, Applicant submits that the cited prior art fails to disclose the features of the presently pending claims. Applicant therefore submits that the present application is in condition for allowance and respectfully requests that the Examiner issue a Notice of Allowance. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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